

21 C.J.S. Courts § 79

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

F. Scope and Extent of Jurisdiction

§ 79. Territorial or geographical limits of jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

- West's Key Number Digest, [Courts](#)  29

The jurisdiction of state courts is generally limited in scope to the territorial limits of the state, subject to constitutional principles.

Subject to the requirements of the Full Faith and Credit Clause of the United States Constitution ¹ and the potential extra-territorial reach of state courts over nonresidents within the limitations of the Due Process Clause of the United States Constitution, ² the scope of the jurisdiction of state courts is generally defined by the territorial limits of the state, ³ ending at the state line, ⁴ and the territorial jurisdiction of a court generally refers to its ability to act in a specified geographical area. ⁵ In this sense, a court's jurisdiction means the territory within which the court's power is or can be exercised. ⁶

A court's territorial jurisdiction may be defined by statute, apart from the potential limits of state court jurisdiction under the Federal Constitution. ⁷

Territorial jurisdiction has been described as synonymous with venue, being the court's authority over persons, things, or occurrences located in a defined geographic area. ⁸ Beyond the limits of courts' territorial jurisdictional their attempts to exercise authority are generally without force, ⁹ and state court's attempt to exercise authority beyond the limits of the state territory constitutes an illegitimate assumption of power. ¹⁰


The power of a state court to determine the effect of a state court judgment is limited solely to the authority to prescribe the effects of that judgment in its own state.¹¹

Although courts cannot by their judgments or mandates directly affect property outside their territorial jurisdiction,¹² the court may indirectly affect title or possessory rights to property located in another state through its power over individuals under the court's jurisdiction,¹³ such as a decree for specific performance of a judicially created obligation to convey real property situated in another state,¹⁴ or decree requiring a conveyance of real estate in another state as part of the court's entry of a judgment of marital dissolution between parties over whom the court has personal jurisdiction.¹⁵

There is authority that a state court's territorial jurisdiction is not an aspect of its subject matter jurisdiction and is subject to waiver although there is contrary authority.¹⁶

CUMULATIVE SUPPLEMENT

Cases:

Restrictions on personal jurisdiction are more than a guarantee of immunity from inconvenient or distant litigation; they are a consequence of territorial limitations on the power of the respective states.  [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

[END OF SUPPLEMENT]


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Footnotes

- 1 Wash.— [OneWest Bank, FSB v. Erickson, 185 Wash. 2d 43, 367 P.3d 1063 \(2016\)](#).
- 2 § 46.
- 3 Ala.—[Archer Western Contractors, Ltd. v. Benise-Dowling & Associates, Inc., 33 So. 3d 1216 \(Ala. 2009\)](#).


Cal.— [Global Packaging, Inc. v. Superior Court, 196 Cal. App. 4th 1623, 127 Cal. Rptr. 3d 813 \(4th Dist. 2011\)](#).

Mich.—[People v. Gayheart, 285 Mich. App. 202, 776 N.W.2d 330 \(2009\)](#).

N.D.— [Brigham Oil and Gas, L.P. v. Lario Oil & Gas Co., 2011 ND 154, 801 N.W.2d 677 \(N.D. 2011\)](#).


Ohio— [Cheap Escape Co., Inc. v. Haddox, LLC, 120 Ohio St. 3d 493, 2008-Ohio-6323, 900 N.E.2d 601 \(2008\)](#).

Va.— Ghameshlouy v. Com., 279 Va. 379, 689 S.E.2d 698 (2010).

4 Cal.— Global Packaging, Inc. v. Superior Court, 196 Cal. App. 4th 1623, 127 Cal. Rptr. 3d 813 (4th Dist. 2011).

5 Ky.—Baze v. Com., 276 S.W.3d 761 (Ky. 2008).

Ohio— Cheap Escape Co., Inc. v. Haddox, LLC, 120 Ohio St. 3d 493, 2008-Ohio-6323, 900 N.E.2d 601 (2008).

6 Cal.— Global Packaging, Inc. v. Superior Court, 196 Cal. App. 4th 1623, 127 Cal. Rptr. 3d 813 (4th Dist. 2011).

7 Cal.— Fortner v. Superior Court, 217 Cal. App. 4th 1360, 159 Cal. Rptr. 3d 128 (6th Dist. 2013).

8 Va.— Com. v. Leone, 286 Va. 147, 747 S.E.2d 809 (2013).


Analytically similar to venue

D.C.— Upson v. Wallace, 3 A.3d 1148 (D.C. 2010).

9 Ill.— Bundy v. Church League of America, 125 Ill. App. 3d 800, 81 Ill. Dec. 95, 466 N.E.2d 681 (2d Dist. 1984).

10 Mich.—People v. Gayheart, 285 Mich. App. 202, 776 N.W.2d 330 (2009).



11 Ala.—Archer Western Contractors, Ltd. v. Benise-Dowling & Associates, Inc., 33 So. 3d 1216 (Ala. 2009).

12 Alaska— In re Estate of Fields, 219 P.3d 995 (Alaska 2009), as modified on other grounds on denial of reh'g, (Dec. 16, 2009).


Ky.—Baze v. Com., 276 S.W.3d 761 (Ky. 2008).

Or.—Cron v. Zimmer, 255 Or. App. 114, 296 P.3d 567 (2013).

S.D.— Brigham Oil and Gas, L.P. v. Lario Oil & Gas Co., 2011 ND 154, 801 N.W.2d 677 (N.D. 2011).

Wash.— Onewest Bank, FSB v. Erickson, 184 Wash. App. 462, 337 P.3d 1101 (Div. 3 2014), review granted, 183 Wash. 2d 1001, 349 P.3d 857 (2015) and rev'd on other grounds,  185 Wash. 2d 43, 367 P.3d 1063 (2016).

As to jurisdiction in rem or quasi in rem, generally, see §§ 37 to 40.

13 Alaska— In re Estate of Fields, 219 P.3d 995 (Alaska 2009), as modified on other grounds on denial of reh'g, (Dec. 16, 2009).

Ky.—Baze v. Com., 276 S.W.3d 761 (Ky. 2008).

Or.—Cron v. Zimmer, 255 Or. App. 114, 296 P.3d 567 (2013).

Wyo.—Roberts v. Locke, 2013 WY 73, 304 P.3d 116 (Wyo. 2013).

As to personal jurisdiction, generally, see §§ 44 to 64.

14 S.D.— Brigham Oil and Gas, L.P. v. Lario Oil & Gas Co., 2011 ND 154, 801 N.W.2d 677 (N.D. 2011).

15 Tex.—Griffith v. Griffith, 341 S.W.3d 43 (Tex. App. San Antonio 2011).

16 § 74.

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